

## **REMARKS**

Applicant appreciates the Examiner's attention to this application. The Office Action rejects claims 19-28 under 35 U.S.C. § 101 and claims 1-28 under 35 U.S.C. § 103(a).

### **35 U.S.C. § 101**

The rejections under § 101 involve a concern about the recited machine-accessible medium including intangible embodiments. This response amends the claims to explicitly recite that the machine-accessible medium is "tangible." The rejections under § 101 should therefore be withdrawn.

### **35 U.S.C. § 103(a)**

The Office Action rejects all of the claims under 35 U.S.C. § 103(a), with regard to U.S. patent application publication no. 2004/0054839 to Terry Ping-Chung Lee et al. ("Lee") and U.S. patent no. 6,119,185 to Andrea R. Westerinen et al. ("Westerinen"), in view of an article entitled "Solving BIOS Boot Issues with EFI" from the Intel Developer Update Magazine, September 2000, by Michael Kinney ("Kinney"). Applicant respectfully asserts that some or all of those rejections are not well founded.

Nevertheless, in order to avoid additional delay and expense in obtaining patent protection, this response amends the independent claims (i.e., claims 1, 10, and 19) and enters new claims 29-40 to describe one or more embodiments of the present invention in more detail.

For instance, claim 1 has been amended to recite that the boot process includes operations of (a) "automatically determining whether the at least one boot-critical device connects via an intermediary device in the processing system" and (b) "if the at least one boot-critical device connects via the intermediary device, automatically identifying the intermediary device as a boot critical device." Claim 1 also explains that, if sufficient resources to meet the resource requests are not available, resources are not automatically allocated for all of the devices associated

with the PCI subsystem resources, but resources are automatically allocated for devices identified as boot-critical.

Applicant has seen nothing in any of the cited references to teach or suggest the operations labeled (a) and (b) above. Consequently, the Office Action does not establish a prima facie case of obviousness for claim 1. In addition, claims 10 and 19 include similar features, and the dependent claims implicitly include the features of their respective parent claims. Consequently, the Office Action does not establish a prima facie case of obviousness for any of the pending claims. For at least the foregoing reasons, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

### **CONCLUSION**

For all of the foregoing reasons, reconsideration of the present application is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (512) 732-3927.

Respectfully submitted,

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